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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Richard Sepulveda, Plaintiff,) Case Number 20-1861 SK
vs,)
Son Nguyen, et al., Defendants.) STIPULATION AND [PROPOSED] ORDER
) TO EXTEND TIME UNDER F.R.C.P. 12(f)
)
)
)
)

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO ALL PARTIES AND THEIR
RESPECTIVE ATTORNEYS OF RECORD:

WHEREAS, this case has been assigned for early disclosures and mediation under General
Order 56, and the parties to this stipulation want to make best efforts to settle this case without
unnecessary litigation; and

WHEREAS, Defendants Son Nguyen and Redwood and 35th Avenue Gas Station, Inc. filed
their answer on April 10, 2020, and therefore Plaintiff's deadline for filing a motion under FRCP
12(f) to strike insufficient defenses from their answer is May 1, 2020 (i.e. 21 days later); and

WHEREAS, Plaintiff and Defendants Son Nguyen and Redwood and 35th Avenue Gas
Station, Inc. are trying to resolve their disagreements about the sufficiency of these defendants'
answers informally, however, they wish to avoid the necessity of plaintiff filing a Rule 12(f)
motion unless/until mediation pursuant to General Order No. 56 does not succeed;

THEREFORE:

IT IS HEREBY STIPULATED by and among Plaintiff and defendants, that the deadline for
Plaintiff to file any motion with respect to the answer filed by Son Nguyen and Redwood and 35th
Avenue Gas Station, Inc., under Federal Rule of Civil Procedure 12(f), be extended to 21 days
past the date that the mediator certifies that the mediation under General Order 56 has been

1 completed. It is also stipulated that (1) plaintiff, and Son Nguyen and Redwood and 35th Avenue
2 Gas Station, Inc. shall meet and confer within seven (7) days after the mediation has been certified
3 as completed; (2) that Son Nguyen and Redwood and 35th Avenue Gas Station, Inc. shall
4 thereafter be allowed an opportunity to voluntarily amend their answer prior to plaintiff filing any
5 rule 12(f) motion; (3) that any amended answer shall be filed no later than seven (7) days after
6 Plaintiff, and Son Nguyen and Redwood and 35th Avenue Gas Station, Inc. have met and
7 conferred.

8 Law Offices of Richard A. Mac Bride

9 Richard Mac Bride /s/ Richard A. Mac Bride Date: April 21, 2020

10 Attorney for Plaintiff

12 Bowles & Verna LLP

13 Richard T. Bowles /s/ Richard T. Bowles Date: April 21, 2020

14 Attorney for defendants Son Nguyen and Redwood and 35th Avenue Gas Station, Inc.

16 FILER'S ATTESTATION

18 Pursuant to General Order 45, Section X(B), I hereby attest that on April 21, 2020, I, Richard A.
19 Mac Bride, the attorney of record for plaintiff herein, received the concurrence of attorney Richard
20 T. Bowles, attorney for defendants Son Nguyen and Redwood and 35th Avenue Gas Station, Inc., in
21 the filing of this document.

23 /s/ Richard A. Mac Bride

24 Richard A. Mac Bride

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4 ORDER
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6 In the case of Sepulveda v. Nguyen et al., 20-1861 SK: Pursuant to the stipulation of plaintiff and
7 defendants Son Nguyen and Redwood and 35th Avenue Gas Station, Inc., and for good cause
8 shown, it is hereby ORDERED, that the deadline for plaintiff to file any motion under Federal Rule
9 of Civil Procedure 12(f) be extended to 21 days past the date that the mediator certifies that
10 mediation under General Order 56 has been completed. Plaintiff and defendants Son Nguyen and
11 Redwood and 35th Avenue Gas Station, Inc. shall meet and confer within seven (7) days after the
12 mediation has been certified as being completed. Son Nguyen and Redwood and 35th Avenue Gas
13 Station, Inc. shall thereafter have an opportunity to voluntarily amend their answer prior to plaintiff
14 filing any Rule 12(f) motion with respect to the answer filed by Son Nguyen and Redwood and 35th
15 Avenue Gas Station, Inc. (Docket No. 9). Any amended answer shall be filed no later than seven (7)
16 days after the parties meet and confer.

17 IT IS SO ORDERED.
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19 Date: _____, 2020

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21 Sallie Kim
22 United States Magistrate Judge
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